



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,391	02/15/2002	Nikolco S. Nikolovski	29385-69914	4154

23643 7590 03/13/2003

BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

EXAMINER

TRAN, LEN

ART UNIT PAPER NUMBER

1725

DATE MAILED: 03/13/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/077,391

Applicant(s)

NIKOLOVSKI ET AL.

Examiner

Len Tran

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 22-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-21, drawn to a method, classified in class 164, subclass 448.

II. Claims 22-31, drawn to a roller, classified in class 72.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the roller can be used to make plastic article.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Mr. James Sweeny on February 25, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

Art Unit: 1725

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Strezov et al (US 5,701,948) in view of Irie et al (US 4,368,084) and Suichi et al (US 5,227,251).

Art Unit: 1725

Strezov et al discloses a method of continuously casting a steel strip comprising the steps of providing a chilled casting surface, with a texture, with a casting pool of molten steel having a manganese content of no less than 0.6% by weight, silicon in the range of 0.1 to 0.35% by weight, carbon content less than 0.07% by weight (col. 7, lines 42-51). Strezov also discloses wherein the texture have surface distribution of between 5 to 100 peaks per mm square and average height of at least 10 microns to 20 microns (col. 3, lines 7-12).

However, Strezov do not disclose textured formed by random pattern of discrete projections having pointed peaks, and strip are moving away from casting pool at 60 m/min.

Suichi et al discloses an irregular of discrete projections having pointed peaks (col. 2, lines 14-16 and figure 3) for the purpose of preventing surface cracking of the cast plate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide irregular, random, pattern as taught by Suichi et al, in Strezov et al because it prevents surface cracking of the cast plate.

Irie et al on the other hand discloses speed rate of the strip to be rolled at 60 min/m to 80 min/m for the purpose of increasing the productivity of metal strip.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide the speed as taught by Irie et al, in Strezov et al and Suichi et al because increasing the productivity of the metal strip allows saving costs and time to the operation.

Art Unit: 1725

9. Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strezov et al (US 5,701,948) in view of Irie et al (US 4,368,084) and Suichi et al (US 5,227,251) as applied in claim 9, in view of JP 08294751.

Strezov et al, Irie et al, and Suichi et al disclose the claimed invention substantially above, but fails to disclose casting surface defined by grit blasted substrate covered by protective coating.

JP '751 discloses casting surface formed by shot blasting or electroplated and covered by a protective coating, such as nickel and chromium for the purpose of providing a thin slab having a smooth surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide shot blasting or electroplating method and covered by a protective coating as taught by JP '751, in Strezov et al, Irie et al, and Suichi et al because a smooth surface on the slab is necessary as the final product.

JP '751 discloses electroplating method, but fails to teach chemical deposition or electrodeposition method as how to apply the protective coating.

However, such method of applying the protective coating would have been obvious to one of ordinary skill in the art at the time applicant's invention was made, since electroplating, chemical deposition, or electrodeposition, were art recognized equivalents for applying the protective coating. Therefore, substituting any of these methods would have been an obvious design choice.

10. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strezov et al (US 5,701,948) in view of Irie et al (US 4,368,084) and Suichi et al (US 5,227,251) as applied in claim 9, in view of JP 08294751 in view of JP 58-29547.

in Strezov et al, Irie et al, Suichi et al, and JP '751 disclose the claimed invention substantially above, but fails to disclose coating formed of nickel, chromium, molybdenum, and cobalt.

JP '547 discloses a coating formed of composition consisting of Co, Mo, and Cr, for the purpose of protecting the inner face of the mould.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide coating composition of JP '547, in Strezov et al, Irie et al, Suichi et al, and JP '751 because this allow the inner face of the mold to be protected.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (703)605-1175. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 703-308-3318. The fax phone numbers for the

Art Unit: 1725

organization where this application or proceeding is assigned are (703)305-3602 for regular communications and (703)305-3602 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Len Tran
Examiner
Art Unit 1725

LT
February 28, 2003



M. ALEXANDRA ELVE
PRIMARY EXAMINER